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13 BARRACUDA NETWORKS, INC.

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 OPTRICS INC.,

18 Plaintiff,

19 v.

20 BARRACUDA NETWORKS, INC., a Delaware
21 Corporation, and DOES 1 through 10, inclusive,

22 Defendant.

Case No. 17-cv-04977-RS

**STIPULATION AND AMENDED
SCHEDULING ORDER AS
MODIFIED BY THE COURT**

Pursuant to Civil Local Rule 7-12, Plaintiff Optrics Inc. (“Optrics” or “Plaintiff”) and Defendant Barracuda Networks, Inc. (“Barracuda” or “Defendant”) (collectively “Parties”), by and through their undersigned counsel, hereby state and stipulate as follows (the “Stipulation”):

WHEREAS, there have been three scheduling modifications since the Court entered the Case Management Scheduling Order on August 30, 2018 (D.I. 72);

WHEREAS, on January 6, 2020, (D.I. 167), the Court issued its Order Granting Motion to Modify Scheduling Order (“Scheduling Order”) as to the deadlines for the completion of non-expert discovery, the designation and exchange of expert reports, the completion of expert discovery, the dispositive motion hearing deadline, the pretrial conference, and trial;

WHEREAS, under the Scheduling Order, Optrics is required to designate its expert(s) and serve its opening/affirmative expert report(s) by March 31;

WHEREAS, under the Scheduling Order, Barracuda is required to designate its rebuttal expert(s) and serve its rebuttal expert report(s) by April 20;

WHEREAS, after entry of the Scheduling Order, Barracuda learned for the first time on January 14, 2020 that its expert witness has a long-planned, pre-paid personal trip out of the country from March 28 to April 12;

WHEREAS, Barracuda’s expert will be unavailable to work on this matter when Optrics serves its opening/affirmative expert report on March 31, and will not be available until April 13 at the earliest to review and analyze the opening/affirmative expert report and to prepare a rebuttal expert report that is due on April 20;

NOW, THEREFORE, the Parties hereby jointly request the modified schedule as set forth below:

Proposed Revised Schedule

Description	Current Date from Court’s Scheduling Order	Parties’ Proposed Date
Completion of Non-Expert Discovery	2/20/2020	No change
Designation of Experts and Opening/Affirmative Expert	3/31/2020	4/7/2020

1	Reports		
2	Designation of Rebuttal	4/20/2020	5/20/2020
3	Experts and Rebuttal Expert		
4	Reports		
5	Completion of Expert	5/1/2020	6/1/2020
6	Discovery		
7	Dispositive Motion Hearing	7/16/2020	8/13/2020
8	Final Pretrial Conference	9/23/2020	10/21/2020
9	Trial	10/5/2020	11/2/2020

10
11 IT IS STIPULATED AND AGREED, by and between Plaintiff and Defendant, by and
12 through their respective undersigned attorneys, as to the above.

13
14 Respectfully submitted,

15 LAW OFFICES OF HERBERT L.
16 TERRERI, APC

17 Dated: January 21, 2020

18 By: /s/ Herbert L. Terreri
Herbert L. Terreri
Grace Neibaron

19 Attorneys for Plaintiff,
20 OPTRICS INC.

21 RIMON, P.C.

22 Dated: January 21, 2020

23 By: /s/ Karineh Khachatourian
Karineh Khachatourian
24 Phillip K. Wang
Nikolaus A. Woloszczuk

25 Attorneys for Defendant,
26 BARRACUDA NETWORKS, INC.

ORDER [AS MODIFIED BY THE COURT]

Pursuant to the Parties' stipulation, and for good cause shown, the Court orders that

1. The disclosure and discovery of expert witnesses shall proceed as follows:
 - a. On or before April 7, 2020, the Parties shall designate experts and submit opening/affirmative expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).
 - b. On or before May 20, 2020, the Parties shall designate their rebuttal experts and submit rebuttal expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).
 - c. On or before June 1, 2020, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.
2. The Dispositive Motion Hearing will be set for August 13, 2020.
3. The Final Pretrial Conference will be set for October 21, 2020 at 10:00 am.
4. Jury Selection/Trial is set for November 2, 2020 at 9:00 am.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 21, 2020

By:


The Honorable Richard Seeborg